

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

MICHAEL DUFFY,

Plaintiff,

v.

ANHEUSER-BUSCH COMPANIES, LLC,

Defendant.

Civil Action No.: 4:19-CV-01189-SRC

**JOINT PROPOSED SCHEDULING PLAN**

COME NOW Plaintiff and Defendant, pursuant to this Court's March 27, 2020 Order setting the Rule 16 Conference, and submit the following proposed scheduling plan:

- (a) The parties believe that the following Track Assignment is appropriate: **Track 3.**
- (b) Joinder of parties and amendment of pleadings should be completed on or before **July 3, 2020.**
- (c) The parties agree to the following discovery plan:
  - (i) The disclosure or discovery of electronically stored information shall be handled by the parties on an ongoing basis, as necessary, based upon the availability and existence of electronically stored information, if any. The parties agree to produce documents in electronic format, if available, otherwise in hard copy, and intend to work cooperatively on those issues.
  - (ii) The parties have agreed that a protective order regarding protected personal and other information will be necessary and requested by **May 15, 2020.**

(iii) The parties will comply with Federal Rule of Civil Procedure 26(b)(5) with respect to the assertions of claims of privilege or protection of trial preparation material after production.

(iv) The parties shall make their initial disclosures as required under Federal Rule of Civil Procedure 26(a)(1) no later than **May 1, 2020**.

(v) The parties agree that fact discovery need not be conducted in phases or limited to certain issues.

(vi) (vi) At this time, the parties believe that the presumptive limits of 10 depositions per side and 25 interrogatories per party should be sufficient.

(vii) The parties do not anticipate conducting physical or mental examinations pursuant to Federal Rule of Civil Rule 35.

(viii) The parties propose that expert discovery be conducted on the following schedule: [a]

October 30, 2020 for Plaintiff's expert disclosures ; [b] **December 7, 2020** for Defendants' expert disclosures; [c] **January 8, 2021** for Plaintiff's rebuttal expert disclosures ; [d] **February 5, 2021** for completion of expert discovery (all experts deposed by this date).

(ix) The parties have agree that consistent with Rule 26(b)(4) of the Federal Rules of Civil Procedure, attorney communications with experts, both testifying and non-testifying, and drafts of expert reports are not discoverable unless the expert relies on such communications pursuant to Rule 26(b)(4)(C)(ii) and (iii).

(x) All fact discovery shall be completed by October 15, 2020, with the further understanding that any outstanding discovery issues will be addressed by motion no later than **October 29, 2020**.

(d) Alternative Dispute Resolution: The parties believe that referral of this action to Alternative Dispute Resolution will not be useful at this time, but will revisit the issue after class certification is addressed.

(e) Class Certification Motions: The parties propose that motions for class certification must be filed by **January 8, 2021**. Any response shall be filed within 45 after service of any such motions. Any reply shall be filed 21 days after service of the response brief.

(f) Summary Judgment and Trial Date: The parties will meet and confer regarding a summary judgment schedule and trial date, and make a proposal to the Court, promptly after the issue of class certification is decided.

(g) Estimated Length of Trial: Given the complexities of the case and the current status of discovery and anticipated motions practice, the length of time necessary for trial cannot be accurately predicted.

(h) Other Matters: The parties will meet and confer, and make a proposal to the Court, in the event that Covid-19 issues or other unforeseen circumstances require any modifications to the proposed schedule.

The parties jointly reserve the right to request modifications of the timing and scope of any discovery should the need arise.

Dated: April 13, 2020

/s/ Mark G. Boyko

Mark G. Boyko (MO Bar #57318)

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Respectfully submitted,

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